1.00 APPLICATION FOR EXAMINATIONS AND LICENSURE. [eff. 9/30/2007]

1.01 An applicant for the national exam must complete the application required by the National Board of Veterinary Examiners. If the Board requires an exam in addition to or in lieu of the national exam, an applicant must complete the application required by the Board. An applicant for the national exam who is a senior student at an American Veterinary Medical Association (AVMA) accredited veterinary school other than the Colorado State University, College of Veterinary Medicine & Biomedical Sciences must submit a letter to the National Board of Veterinary Examiners from their Dean on school letterhead indicating their expected graduation date. An applicant for the national exam who is a graduate of an AVMA accredited veterinary school must provide a final transcript showing proof of degree to the National Board of Veterinary Examiners. An applicant for the national exam from non-approved foreign schools must submit a letter to the National Board of Veterinary Examiners from the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE) verifying their enrollment in the program and completion of the Step 3 Requirement.

1.02 An applicant for licensure by examination who graduated from an AVMA accredited veterinary school must submit to the Board a completed application and a final transcript showing proof of degree or a letter from the Dean of the School/College of Veterinary Medicine or the College/University Registrar stating that the applicant has been awarded the degree Doctor of Veterinary Medicine. The letter must bear the seal of the institution.

1.03 An applicant for licensure by examination who graduated from a non-approved College of Veterinary Medicine outside of the United States or Canada must also submit a copy of their Educational Commission for Foreign Veterinary Graduates (ECFVG) or Pave Certificate or equivalent dated after July 1, 1980 as issued.

1.04 All applicants for licensure by examination shall pass the national exam before applying for licensure.

2.00 APPLICATION FOR LICENSE BY ENDORSEMENT.

2.01 Applicants for licensure by endorsement § (12-64-108(4)(a), CRS, 2001) must have a license in good standing in another state, must possess credentials and qualifications which are "substantially equivalent" to requirements in Colorado for licensure by examination, and must comply with the following:

(a) The applicant must submit evidence that he has graduated from an approved school of veterinary medicine or an applicant who is a graduate of a non-approved college of veterinary medicine outside of the United States or Canada must submit a photostatic copy of his Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or equivalent dated after July 1, 1980 as issued, or the applicant must demonstrate to the satisfaction of the Board that he or she possesses qualifications and credentials which are substantially equivalent as set forth in rule 4; and
(b) The applicant must submit evidence that he has passed the written or computerized national examination or the currently accepted national examination or other equivalent written or computerized examination required by the Board with a score meeting the Colorado standards at the time of application or the applicant is otherwise able to demonstrate to the satisfaction of the Board that he or she possesses qualifications and credentials which are substantially equivalent as set forth in rule 4.

3.00 SPECIALTY BOARD CERTIFICATIONS.

3.01. Applicants seeking licensure by specialty board certification (CRS 12-64-108(4)(b), 2001) must meet the requirements of rule 2.01.1 and 2.01.2 and provide evidence of certification. In addition, if the applicant is seeking to demonstrate that his qualifications are “substantially equivalent to requirements in Colorado for licensure by examination”, he must meet the requirements of rule 4.

4.00 EXAMINATIONS.

4.01 Acceptable written or computerized national testing service examination(s) used by the Board may be examination(s) prepared by a national testing service. [eff. 9/30/2007]

4.02 The scores of the written or computerized examinations will be reported directly to the applicant by the national testing service selected by the Board to administer the exam. [eff. 9/30/2007]

4.03. The passing score for the acceptable written or computerized national testing service examination(s) shall be the level of test performance, as determined by the Board, that represents minimal acceptable competence. This may be a criterion referenced passing score.

4.04. In determining whether a written examination is substantially equivalent to the national examination for purposes of § 12-64-107(3)(c), 12-64-108(4)(a) or 12-64-108(4)(b), CRS, the Board will take into consideration the subject matter tested; the number of questions asked; how the examination was administered; whether the examination is recognized by a reliable source such as a testing service, institution, or another jurisdiction; specifications; reliability; the recency of the examination; and the minimum passing score equivalent.

4.05. The Board may, in its discretion, supplement the national examination by orally or practically examining any person qualifying for licensing, including any person applying under § 12-64-107(3)(c), 12-64-108(4)(a), or 12-64-108(4)(b), CRS.

5.00 LICENSE RENEWALS AND REINSTATEMENTS.

5.01 Renewals.

a. The Board may prescribe renewal requirements, including compliance with the required continuing education.

b. Pursuant to 24-34-102(8)(c), a licensee shall have a sixty-day grace period after the expiration of his or her license to renew such license without the imposition of a disciplinary sanction for practicing on an expired license.

c. Pursuant to 24-79.5-102(3), a delinquency fee shall be charged for late renewals.

d. A licensee who does not renew his or her license within the sixty-day grace period shall be treated as having an expired license and shall be ineligible to practice until such license is reinstated. If the licensee has practiced with an expired license, the Board may impose disciplinary actions.
5.02 Reinstatements.

a. An expired license may be reinstated by submitting a reinstatement application and paying a reinstatement fee.

b. If the license has been expired for more than two years, the licensee shall pay a reinstatement fee and provide satisfactory proof of the completion of all delinquent continuing education.

c. If the license has been expired for more than three years, the licensee shall pay a reinstatement fee and retake the national examination. Exceptions may be made because of military service duty.

5.03 Continuing Education.

a. If a renewal date occurs during the year of original Colorado licensure, continuing education will not be required for the first renewal. If the renewal date occurs the year after original licensure, the registrant shall obtain 16 hours of continuing education prior to the biennial renewal.

b. Board approved veterinary education programs shall include, but not be limited to meetings of:

   (1) American Veterinary Medical Association.
   
   (2) American Animal Hospital Association.
   
   (3) American Association of Equine Practitioners.
   
   (4) American Association of Bovine Practitioners.
   
   (5) American Association of Swine Practitioners.
   
   (6) American Association of Sheep and Goat Practitioners.
   
   (7) Other allied groups of the AVMA holding meetings with scientific medical content.
   
   (8) Regional Veterinary Medical Association Conferences.
   
   (9) Local or state association meetings or university sponsored annual conferences for veterinarians with veterinary medicine medical content.
   
   (10) Board approved postgraduate studies, courses and seminars.
   
   (11) Programs sponsored by recognized veterinary associations, schools of veterinary medicine, established educational groups, and industry sponsored educational programs. The sponsors must have a mechanism for recording and submitting attendance information to the Board.
   
   (12) With Board approval, auto tutorial programs may be substituted.
   
   (13) Subject to the final approval of the Board, the Secretary of the Board may rule in regard to the approval of other meetings or programs.

c. The Board may approve no more than six (6) hours of continuing education credit per licensing period for practice management based presentations including but not limited to
leadership training, personnel management, client relations, communication training and integrated resource management principles.

Those presentations dealing with financial based subjects including but not limited to bookkeeping procedures, financial planning, retirement planning, and insurance programs will not be approved as acceptable continuing education.

No presentation that is primarily promotional in nature regardless of subject material will be acceptable.

6.00 CODE OF PROFESSIONAL ETHICS.

In order to safeguard the life, health, safety and property of the public and to promote the public welfare, and to maintain and establish a high standard of integrity and ethics in the practice of veterinary medicine, the following Code of Professional Ethics shall be binding upon every person licensed by the Board to practice veterinary medicine within the state of Colorado.

6.01. Prohibited Acts

Pursuant to the Colorado Veterinary Practice Act the following conduct, whether committed by act or omission, is considered unprofessional or unethical conduct.

a. Conduct likely to deceive or defraud the public. Such conduct includes, but is not limited to, the performance or prescribing of unnecessary veterinary services; knowingly engaging in fraud in the collection of fees from consumers or any person, agency, or organization paying fees to practitioners; filing false reports, records or certificates required by state or federal law; among other things.

b. False or misleading advertising. Such conduct includes, but is not limited to, advertising for goods or services in a manner which is fraudulent, false, deceptive or misleading in form or content.

c. Obtaining any fee or compensation by fraud or misrepresentation. Such conduct includes, but is not limited to, obtaining fees for the performance or prescribing of unnecessary veterinary goods or services; or guaranteeing that a cure will result from the performance of professional services or the use of particular products.

d. Sharing office space with any person illegally practicing veterinary medicine. Such conduct includes, but is not limited to, conduct relating to a prohibited office arrangement which aids, abets or allows any person to engage in the unlicensed or unauthorized practice of veterinary medicine.

e. Employing either directly or indirectly any unlicensed person to practice veterinary medicine. Such conduct includes, but is not limited to, any failure to adequately supervise persons who are only authorized to practice veterinary medicine under the supervision of a Colorado-licensed veterinarian.

6.02. Rules of Professional Conduct

Additionally, the following Rules of Professional Conduct shall apply to all persons licensed to practice veterinary medicine in the state of Colorado to establish a high standard of integrity and ethics in the practice.

a. Public Protection. Colorado-licensed veterinarians shall hold paramount the safety, health and welfare of the public in the performance of their professional duties. Colorado-
licensed veterinarians having knowledge of any alleged violation of the Veterinary Practice Act shall cooperate with any investigation initiated by the Board and furnish such assistance or information as may be requested by the Board, its staff or its investigators.

b. Competence. Colorado-licensed veterinarians shall perform services only in the areas of their competence and shall only perform professional services when qualified by education or experience in the specific procedures involved.

c. Objective and Truthful Statements. Colorado-licensed veterinarians shall issue professional statements only in an objective and truthful manner in all professional reports, billings, statements or testimony.

d. Independent Professional Judgment. Colorado-licensed veterinarians shall not permit a client or patient or other person to direct, control or otherwise affect the veterinarian's exercise of independent professional judgment when providing professional services for clients or patients.

e. Conflicts of Interest. Colorado-licensed veterinarians shall act in a professional manner for each client or patient and shall avoid or disclose conflicts of interest which would impair their exercise of independent professional judgment.

f. Improper Solicitation of Professional Employment. A Colorado-licensed veterinarian shall not misrepresent or falsify academic or professional credentials or qualifications, or exaggerate or misrepresent pertinent facts concerning their academic or professional credentials.

g. Exercise of Undue Influence. A Colorado-licensed veterinarian shall not exercise undue influence on the patient or client, including the promotion of the sale of services, goods, appliances, or drugs, in such a manner as to exploit the patient or client for the financial gain of the veterinarian or a third party. A Colorado-licensed veterinarian shall not administer excessive treatments or promote excessive use of treatment facilities when not warranted by the condition of the animal patient.

h. Practice Management. All Colorado-licensed veterinarians shall maintain a sanitary environment to avoid sources and transmission of infection. This includes the proper routine disposal of both waste materials and deceased animals, and proper sterilization or sanitation of all equipment used in diagnosis and treatment.

i. Critical Care Services. Veterinary practices shall offer adequate medical care and adequate monitoring of patient status to provide reasonable probability of survival of a critically ill patient. The level of this care shall be appropriate to the seriousness of the patient's medical status. If reasonable patient monitoring and medical care is not available under a given circumstance, appropriate efforts must be made to provide veterinary care that is consistent with generally accepted standards of practice.

j. Recordkeeping. Records for a herd, a flock, or a litter under the care of a treating veterinarian shall meet the criteria set forth in CRS 12-64-120(3)(b). The requirement for individual animal identification in a herd, a flock, or a litter situation is necessary to the extent that the record provides adequate, comprehensive information necessary for subsequent treatment or evaluation.

k. Use of Prescription Drugs. No Colorado-licensed veterinarian shall prescribe or dispense, deliver or order any prescription drug or biologic for a patient animal without first having established a veterinary-client-patient relationship. Veterinarians shall keep records of prescription drug orders for a minimum of three (3) years.
I. **Violation of Board Orders or Negotiated Stipulations or Settlement Agreements.** It shall be considered unprofessional conduct for a Colorado-licensed veterinarian to violate a lawful board order or negotiated stipulation or agreement issued as a result of a formal complaint against the licensee. Proof of any such violation shall be subject to an administrative hearing held in accordance with procedures prescribed by the Colorado Veterinary Practice Act and the State Administrative Procedure Act.

m. **Integrity, Honesty and Fair Dealing.** Colorado-licensed veterinarians shall conduct their practice of veterinary medicine with integrity, honesty and fair dealing to clients. This rule shall include, but not be limited to, matters related to adherence to all state and federal laws; recordkeeping; or veterinary services, facilities, appliances or drugs.

7.00 **AVMA CODE OF ETHICS.**

The Board **MAY** use as guidelines the codes of ethics for veterinarians as adopted by the American Veterinary Medical Association and the Colorado Veterinary Medical Association as the basis for evaluating professional conduct of licensees.

8.00 **RULES AND REGULATIONS CONCERNING ARTIFICIAL INSEMINATION.**

8.01. General Provisions

   a. Artificial insemination, ova transplant, and embryo transplant shall be performed according to accepted clinical standards as taught and/or described in the scientific literature or otherwise used in the scientific literature or otherwise established by practitioners or livestock producers.

9.00 **DECLARATORY ORDERS.**

9.01. Any person may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.

1 Refer to existing definition of “person” in APA, rules or statute, if any.

9.02. The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.

9.03. In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:

   a. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or rule or order of the Board.

   b. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.

   c. Whether the petition seeks a ruling on a moot or hypothetical questions or will result in an advisory ruling or opinion.

   d. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo. R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.
9.04. Any petition filed pursuant to this rule shall set forth the following:

   a. The name and address of the petitioner and whether the petitioner is licensed pursuant to the provisions of CRS 1973, 12-64-101, et seq., as amended.

   b. The statute, rule or order to which the petition relates.

   c. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.

9.05. If the Board determines that it will rule on the petition, the following procedures apply:

   a. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:

   b. Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.

   c. The Board may order the petitioner to file a written brief, memorandum or statement of position.

   d. The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.

   e. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.

   f. The Board may request the petitioner to submit additional facts, in writing. In such event, such additional fact will be considered as an amendment to the petition.

   g. The Board may take administrative notice of facts pursuant to the Administrative Procedure Act (CRS 1973, 24-4-105(8)) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.

   h. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.

   i. The Board may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire.

   j. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.

9.06. The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene may be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by section 4 of this rule. Any reference to a “petitioner” in this rule also refers to any person who has been granted leave to intervene by the Board.

9.07. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute
10.00 ADDRESS CHANGES.

Every person licensed under this article shall furnish his/her mailing address to the Board, in writing, at the time of original licensure and at renewal. If such address changes, the licensee must notify the Board in writing of the new mailing address within thirty days.

11.00 DEFINITION OF DENTISTRY.

11.01 “Dentistry” means:

a. The diagnosing, treating, correcting, changing, relieving or preventing abnormalities of the oral cavity, maxillofacial area or associated structures, including surgical, non-surgical or related procedures; and

b. The application or use of any instrument or device to any portion of an animal’s tooth, gum, or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of an animal’s tooth, gum or related tissue; and

c. Preventive dental procedures including, but not limited to the removal of calculus, soft deposits, plaque, stains or the smoothing, filing or polishing of tooth surfaces; and

d. Nothing in this section shall prohibit, however, any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal’s teeth.

Editor’s Notes

History

Sections 1.00 and 4.00 eff. 9/30/2007.